

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES WILSON,)	
)	
Plaintiff,)	Case No. 1:11-cv-298-SJM-SPB
)	
v.)	
)	
RAYMOND SOBINA, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's complaint in this civil rights action was received by the Clerk of Court on December 2, 2011 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on July 16, 2012 [ECF No. 20], recommends that the Defendants' motion to dismiss [ECF No. 15] be granted and the case dismissed. On August 2, 2012, Plaintiff sought an extension of time in which to file objections to the R&R. That same day, he filed a document which has been docketed as a supplement to his complaint [ECF No. 22]. On August 29, 2012, after his motion for extension of time was granted, Plaintiff filed a document which has been docketed as a letter to the undersigned [ECF No. 23]. In his letter, Plaintiff does not substantively address the Magistrate Judge's Report and Recommendation, but instead alleges acts of harassment on the part of various prison officials, complains of cruel and unusual punishment, and requests the appointment of counsel.

The matters of which Plaintiff complains in his correspondence may form the basis of a separate §1983 lawsuit¹; however, they do not constitute meritorious objections relative to the Magistrate Judge's recommended disposition of the Plaintiff's pending §1983 claim, which is premised upon an alleged violation of the Equal Protection clause. Accordingly, after de novo review of the complaint and documents in the case, together with the Report and Recommendation and Plaintiff's post-R&R filings, this Court enters the following order:

AND NOW, this 11th Day of January, 2013;

IT IS ORDERED that the Defendants' motion to dismiss [ECF No. 15] shall be, and hereby is, GRANTED, and the within case shall be marked "CLOSED." To the extent Plaintiff's correspondence filed on August 29, 2012 [ECF No. 23] constitutes a motion for appointment of counsel, said motion shall be, and hereby is, DENIED as moot.

The Report and Recommendation of Magistrate Judge Baxter, filed on July 16, 2012 [20], is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record

U.S. Magistrate Judge Susan Paradise Baxter

¹ By making this observation, the Court is not expressing any opinion as to the ultimate viability of such a lawsuit or whether it ought to be filed.